

EXHIBIT 4

Dotson, Barry (Para-FTL-LT)

From: McManus, John (Shld-FTL-LT)
Sent: Thursday, November 11, 2010 1:07 PM
To: shr@ringlaw.us; mike@mikerothman.com
Cc: Saunders, Sanford (Shld-DC-LT); Burlacu, Nicoleta (Assoc-DC-LT); Horky, Kenneth (Shld-FTL-LT)
Subject: Beyond Systems, Inc. v. World Avenue USA, LLC/World Avenue USA, LLC v. Hypertouch and James Joseph Wagner.
Attachments: Letter111110.pdf

Please see attached correspondence.

John L. McManus

Shareholder

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November 11, 2010

VIA E-MAIL

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Re: *Beyond Systems, Inc. v. World Avenue USA, LLC, et al.*
Case No. PJM 08 cv 0921
U.S. District Court for Maryland (Southern Division)

Dear Counsel:

Hypertouch, Inc. ("Hypertouch") and James Joseph Wagner ("Wagner") are in contempt of the Court's Order at DE 431, having failed to comply with the Court Order by producing discovery since May 27, 2010. Hypertouch and Wagner failed to move for reconsideration of the Order, and thereby waived any objection to it. Moreover, the Court has found that Wagner and Hypertouch's Motion for Protective Order and their Motion for Stay at DE 447 were untimely filed, and denied reconsideration of that Order at DE 472.

World Avenue USA, Inc. ("WAUSA") will be filing a Motion for Order to Show Cause and application for entry of a \$105 million judgment against Hypertouch and Wagner based on their contempt of the Court's Order. However, prior to doing so, we wanted to check whether Hypertouch and Wagner would be serving their discovery responses prior to the end of the day, and alternatively, whether Wagner and Hypertouch consent to entry of the \$105 million judgment. Please note that consistent with past practice, as Wagner and Hypertouch's deadline to comply with the Court Order is long past, we are not willing to consent to any further extension of this long-overdue deadline.

Sincerely,

/s/ John L. McManus

John L. McManus

cc: Sanford M. Saunders, Jr., Esq.
Kenneth A. Horky, Esq.
Nicoleta Burlacu, Esq.

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